

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WENDI REICH,

Defendant.

8:22–CR–92

ORDER

Before the Court is the defendant’s Motion for Release of Property. [Filing 176](#). The defendant avers that she is entitled to “personal property being held [by the] Omaha Police Department,” and requests that the property be released to a third party. [Filing 221](#). [Federal Rule of Criminal Procedure 41\(g\)](#) provides,

A person aggrieved . . . by the deprivation of property may move for the property's return. The motion must be filed in the district where the property was seized. The court must receive evidence on any factual issue necessary to decide the motion. If it grants the motion, the court must return the property to the movant, but may impose reasonable conditions to protect access to the property and its use in later proceedings.

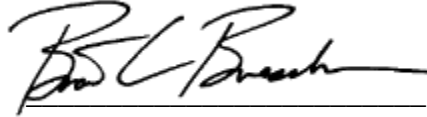
[Fed. R. Crim P. 41\(g\)](#). Because the defendant effectively alleges that she is “aggrieved . . . by the deprivation of property,” the Court ordered the Government to respond to her Motion, [Filing 222](#), and the Government complied, [Filing 223](#). The Government confirmed that the defendant’s property is in Omaha Police Department custody and indicated that it agrees the property can be returned to the defendant or her designee. [Filing 223](#). In light of the parties’ agreement on this issue, the Court will order that the defendant’s property be returned to her or her designee. *See Henderson v. United States*, 575 U.S. 622, 625–26 (2015) (“A federal court has equitable authority, even after a criminal proceeding has ended, to order a law enforcement agency to turn over property it has obtained during the case to the rightful owner or his designee.”). Accordingly,

IT IS ORDERED that

1. The defendant's Motion for Return of Property, [Filing 176](#), is granted; and
2. The Omaha Police Department shall turn over the defendant's property to the defendant or the defendant's designee.

Dated this 11th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge